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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,752	02/02/2001	Takashi Yamaguchi	0649-0772P	6901

2292 7590 02/05/2002

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EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 02/05/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/113,752

Applicant(s)

Yamaguchi et al

Examiner

T. Yoon

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

- ☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hefner, Jr. et al (US 4,524,178) in view of JP 63-305160.

Hefner, Jr. et al teach a composition comprising an unsaturated polyester and polyesteramide in claim 1 and examples which inherently possess the instant iodine value. The use of fibers and peroxides is taught at col. 7, lines 29 and 33.

The instant invention further recites "3 to 50 mol% of an alkylene oxide adduct of bisphenol A" in said unsaturated polyester and polyesteramide over Hefner, Jr. et al. However, Hefner, Jr. et al teach employing said adduct, bis(hydroxypropyl)bisphenol A and a mixture of polyols at col. 3, lines 36-46). JP teaches an unsaturated polyester having at least 1/6 mol (about 16.7 mol%) of hydrogenated bisphenol A glycol in abstract.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the instantly claimed amount of a bis(hydroxypropyl)bisphenol A taught by JP in obtaining an unsaturated polyester and polyesteramide, and further to blend in the instant amount in Hefner, Jr. et al since choosing a species within the disclosure is a *prima facie*

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obviousness and since the use of the instantly claimed amount of a bis(hydroxypropyl)bisphenol A is well known as taught by JP absent showing otherwise.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 63-305160 in view of Harada et al (US 5,356,953) or JP 04-021579.

JP' 160 teaches a molding composition comprising an unsaturated polyester having at least 1/6 mol (about 16.7 mol%) of a hydrogenated bisphenol A glycol, a peroxide and glass fibers in abstract.

The instant invention further recites a particular alkylene oxide over JP' 160. However, the use of such alkylene oxide is well known in the unsaturated polyester art as taught by Harada et al (col. 2, lines 61-62) or JP' 579 (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the adduct of a bis(hydroxypropyl)bisphenol A and an ethylene oxide or a propylene oxide in obtaining an unsaturated polyester of JP' 160 by teaching of Harada et al or JP' 579 since the recited glycol in the hydrogenated bisphenol A glycol encompasses the residue of an ethylene oxide and a propylene oxide which is well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/February 1, 2002



TAE H. YOON
PRIMARY EXAMINER